

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA  
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4 Tyrone Noel Nunn,

Case No. 2:24-cv-01791-JAD-NJK

5 Plaintiff

6 v.

7 Clark County Detention Center, et. al.,

**Order Dismissing  
and Closing Case**

8 Defendants

9 Plaintiff Tyrone Noel Nunn brings this civil-rights lawsuit to redress constitutional  
10 violations that he claims he suffered while detained at the Clark County Detention Center. On  
11 October 17, 2024, this court ordered Nunn to either pay the \$405 filing fee or file a complete  
12 application to proceed *in forma pauperis* by December 16, 2024.<sup>1</sup> That deadline expired, and  
13 Nunn did not pay the fee or file a complete application to proceed *in forma pauperis*, but he did  
14 file a one-page document with 14 cases numbers and the words “*in forma pauperis*.”<sup>2</sup> In light of  
15 this filing, I considered meaningful alternatives to dismissal and issued another order granting  
16 Nunn one final opportunity to submit a complete application to proceed *in forma pauperis* by  
17 February 10, 2025.<sup>3</sup> That extended deadline has expired, and Nunn still has not filed a fully  
18 complete application to proceed *in forma pauperis*, paid the \$405 filing fee, or otherwise  
19 responded.  
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22 <sup>1</sup> ECF No. 3.

23 <sup>2</sup> ECF No. 4.

<sup>3</sup> ECF No. 5.

District courts have the inherent power to control their dockets and “[i]n the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal” of a case.<sup>4</sup> A court may dismiss an action based on a party’s failure to obey a court order or comply with local rules.<sup>5</sup> In determining whether to dismiss an action on this ground, the court must consider: (1) the public’s interest in expeditious resolution of litigation; (2) the court’s need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the availability of less drastic alternatives.<sup>6</sup>

The first two factors, the public’s interest in expeditiously resolving this litigation and the court’s interest in managing its docket, weigh in favor of dismissal of the plaintiff’s claims. The third factor, risk of prejudice to defendants, also weighs in favor of dismissal because a presumption of injury arises from the occurrence of unreasonable delay in prosecuting an action.<sup>7</sup> The fourth factor—the public policy favoring disposition of cases on their merits—is greatly outweighed by the factors favoring dismissal.

The fifth factor requires the court to consider whether less drastic alternatives can be used to correct the party’s failure that brought about the court’s need to consider dismissal.<sup>8</sup> Courts

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<sup>4</sup> *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986).

<sup>5</sup> *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for lack of prosecution and failure to comply with local rules).

<sup>6</sup> *In re Phenylpropanolamine Prod. Liab. Litig.*, 460 F.3d 1217, 1226 (9th Cir. 2006) (quoting *Malone v. U.S. Postal Serv.*, 833 F.2d 128, 130 (9th Cir. 1987)).


<sup>7</sup> *See Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976).

<sup>8</sup> *Yourish v. Cal. Amplifier*, 191 F.3d 983, 992 (9th Cir. 1999) (explaining that considering less drastic alternatives *before* the party has disobeyed a court order does not satisfy this factor); *accord Pagtalunan v. Galaza*, 291 F.3d 639, 643 & n.4 (9th Cir. 2002) (explaining that “the persuasive force of” earlier Ninth Circuit cases that “implicitly accepted pursuit of less drastic alternatives prior to disobedience of the court’s order as satisfying this element[.]” i.e., like the

1 “need not exhaust every sanction short of dismissal before finally dismissing a case, but must  
2 explore possible and meaningful alternatives.”<sup>9</sup> Because this court cannot operate without  
3 collecting reasonable fees, and litigation cannot progress without a plaintiff’s compliance with  
4 court orders, the only alternative is to enter a third order setting another deadline. But issuing a  
5 third order will only delay the inevitable and further squander the court’s finite resources.  
6 Setting another deadline is not a meaningful alternative given these circumstances. So the fifth  
7 factor favors dismissal.

8 Having thoroughly weighed these dismissal factors, I find that they weigh in favor of  
9 dismissal. IT IS THEREFORE ORDERED that **THIS ACTION IS DISMISSED** without  
10 prejudice based on the plaintiff’s failure to pay the filing fee or seek to proceed in forma pauperis  
11 in compliance with the court’s order. The Clerk of Court is kindly requested to **ENTER**  
12 **JUDGMENT** accordingly and **CLOSE THIS CASE**. If Tyrone Noel Nunn wishes to pursue  
13 his claims, he must file a complaint in a new case, and he must pay the fee for that action or file a  
14 complete application to proceed in forma pauperis.

15 Dated: February 25, 2025

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18 U.S. District Judge Jennifer A. Dorsey  
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23 “initial granting of leave to amend coupled with the warning of dismissal for failure to  
comply[,]” have been “eroded” by *Yourish*).

<sup>9</sup> *Henderson*, 779 F.2d at 1424.